

**Arizona Department of Economic Security  
DIVISION OF AGING AND ADULT SERVICES  
(DAAS)**

**LOW INCOME HOME ENERGY  
ASSISTANCE PROGRAM  
(LIHEAP)**



**POLICY MANUAL  
SFY 2012**

## TABLE OF CONTENTS

### **100. PURPOSE & PRINCIPLES**

- 101 Purpose
- 102. Principles
- 103. Format
- 104. Changes in Policy or Procedures
- 105. Policy Questions and Clarifications

### **200. APPLICATION PROCESS**

- 201. EN005 Application
  - .01 Application Forms
  - .02 Right to Request Financial Assistance
  - .03 Completing the EN005 Application
    - Page 1
    - Page 2
    - Page 3
- 202. The Standard Household Unit
  - A. Boarders
  - B. Roommates
- 203. Verification and Documentation
  - .01 Verification
  - .02 Documentation
  - .03 Mandatory Verification
- 204. Application Submittal

### **300. NON-FINANCIAL ELIGIBILITY**

- 301. An Eligible Applicant
- 302. Residency
- 303. Previously Granted Applicants
- 304. Abandonment/Incarceration/Death
- 305. Tribal Members
- 306. Time limit
- 307. Allowable Categories for Financial Assistance

### **400. ELIGIBILITY DETERMINATION and Completing the LIHEAP Worksheet**

- 01. Income
- 02. Energy Burden
- 03. Energy Need
- 04. LIHEAP Worksheet (**Attachment 3**)

### **500. LIHEAP SUPPLEMENTAL BENEFIT**

#### **600 Financial Eligibility**

- 601 Income
  - .01 Countable Incomes

- .02 Individuals Who's Income Must Be Counted
- .03 Individuals Who's Income Will Not Be Counted
- 602 Earned Income**
  - .01 Types of Earned Income
  - .02 Verification of Earned Income
- 603 Unearned Income**
  - .01 Types of Unearned Income
  - .02 Verification of Unearned Income
- 604 Excluded Income**
- 605 Income Source**
  - .01 Documentation
  - .02 Calculating Income
- 606. Future Income
- 700. Decision Notices**
- 701. Approval Notices
- 702. Denial Notices
- 800 Payment Process**
- 900. Grievance Hearing**
- 901. Right to File
  - .01 Reasons for Requesting a Grievance Hearing
  - .02 Time Limits
  - .03 Notification Requirements
- 902. Contract Agency's Responsibilities
- 903. Appeals
  - .01 Appellant's Appeal of Contract Agency's Decision
  - .02 Contract Agency Responsibilities to Division of Aging and Adult Services
  - .03 Division of Aging and Adult Services Responsibilities
  - .04 Appellant's Appeal of Division of Aging and Adult Services
  - .05 Contract Agency's Appeal Rights
  - .06 Arizona Department of Economic Security
- 1000. Operating Principles**
- 1001 Nondiscrimination - .01 Requirements
- 1002. Information Available to the Public
- 1003. Confidential Information

## 100 PURPOSE AND PRINCIPLES

### 101 Purpose

The Low Income Home Energy Assistance Program (LIHEAP) is authorized by Title XXVI of the Omnibus Budget Reconciliation Act of 1981 (OBRA), Public Law 97-35, as amended. The Administration for Children and Families (ACF) within the U.S. Department of Health and Human Services administers LIHEAP at the federal level.

The Human Services Amendments of 1994 (Public Law 103-353) reauthorized LIHEAP through FY1999. In 2004 the Senate passed the Poverty Prevention and Reduction Act, reauthorizing LIHEAP through 2010. The House is also working toward reauthorization. As part of the original reauthorization, Congress amended the purpose of LIHEAP to clarify that LIHEAP is **"to assist low income households, particularly those with the lowest income, that pay a high proportion of household income for home energy, primarily in meeting their immediate home energy needs."**

The LIHEAP program provides for heating/cooling bill assistance in the form of a LIHEAP and/or Supplemental benefit. A LIHEAP payment is made to the energy vendor or landlord (if utilities are included in the rent) on behalf of eligible households that meet income criteria and accumulate the required number of points. LIHEAP benefit payment amounts are determined based on: household income, energy burden and energy need. **A LIHEAP benefit does not require a shut-off or eviction notice.**

A supplemental benefit can be made at the same time a maximum LIHEAP benefit amount has been approved. To provide a LIHEAP supplemental benefit the household must be in a crisis situation. A supplemental LIHEAP benefit does require a shut-off or eviction notice. (Crisis definition on page 14)

The LIHEAP program is provided on a statewide basis to eligible households. Applications are taken by Community Action Program (CAP) agencies that the Department of Economic Security, Division of Aging and Adult Services, has written contracts in place. CAP agencies are responsible for gathering documentation to verify eligibility.

NOTE: The policies and procedures in this section relate only to services/benefits funded by LIHEAP. Utility Assistance is also provided under other programs that have their own policies and procedures.

### 102 Principles

LIHEAP encourages contract agencies to partner and collaborate with other community-based organizations to provide services that meet the needs of low-income households.

### 103 Format

The manual is divided into major policy sections and subsections.

### 104 Changes in Policy or Procedures

- A. Each contract agency will be responsible for ensuring LIHEAP Policy Manuals are issued to individual staff members and are maintained and updated.
- B. New and/or replacement pages for the LIHEAP Manual will be issued in the form of numbered Manual Transmittal Letters by DES/DAAS. The transmittal letter will contain instructions for updating the manual as well as a summary of the changes and the effective dates.

**105 Policy Questions and Clarifications**

All contract agency staff requesting clarification regarding procedural detail or policy interpretation will be elevated in the following order to:

- A. The contracted agencies internal process;
- B. The individuals designated at DES/DAAS are listed below and all requests must be submitted in writing via FAX or Email to:

**DES/DAAS – Community Action Programs Unit**

**ATTN: POLICY DEVELOPMENT**

**FAX: 602-364-1756**

Or

EMAIL TO: [etapia@azdes.gov](mailto:etapia@azdes.gov) and [grobles@azdes.gov](mailto:grobles@azdes.gov)

## 200 **APPLICATION PROCESS**

The application process for LIHEAP includes a face-to-face interview with Contract Agency Staff, verification of eligibility information and completion and filing of an application. Also, Section 2604 of the Federal Regulations states that agencies must provide the following:

The program for which funds are reserved by this subsection shall be administered by public or non-profit entities which have experience in administering energy crisis programs under the Low-Income Home Energy Assistance Act of 1980 or under this Act, experience in assisting low-income individuals in the area to be served, the capacity to undertake a timely and effective energy crisis intervention program, and the ability to carry out the program in local communities. The program for which funds are reserved under this subsection shall:

- (1) not later than 48 hours after a household applies for energy crisis benefits, provide some form of assistance that will resolve the energy crisis if such household is eligible to receive such benefits;**
- (2) not later than 18 hours after a household applies for crisis benefits, provide some form of assistance that will resolve the energy crisis if such household is eligible to receive such benefits and is in a life-threatening situation; and**
- (3) require each entity that administers such program**
  - (A) To accept applications for energy crisis benefits at sites that are geographically accessible to all households in the area to be served by such entity; and**
  - (B) to provide to low-income individuals who are physically infirm the means -**
    - (i) to submit applications for energy crisis benefits without leaving their residences; or**
    - (ii) to travel to the sites at which such applications are accepted by such entity.**

**Home visit definition:** An individual does not have to be bedridden to be considered confined to his/her home. However, the condition of these patients should be such that there exists a normal inability to leave home and consequently, leaving the home would require a considerable and taxing effort. Any absence of the individual from the home attributable to the need to receive health care treatment, including regular absences for the purpose of participating in therapeutic, psychosocial or medical treatment in an adult day-care program that is licensed or certified by the State should not disqualify an individual from being considered confined to their home. Any other absence of an individual from the home shall not so disqualify an individual if the absence is infrequent or of relatively short duration. For the purpose of the preceding sentence, any absence for the purpose of attending a religious service shall be deemed to be an absence of infrequent or short duration.

## **EN005 Application**

### **.01 Application Forms**

The application for LIHEAP is the EN005 pages 1, 2 and 3 (**ATTACHMENT 7**) In **addition, a LIHEAP eligibility worksheet must be completed to determine payment amount, (ATTACHMENT 3).**

The Agency must provide the applicant with a copy of the application. Another copy must be retained in the case file at the community action agency. **Each Agency is responsible for any additional copies they deem necessary for their own records.**

Application forms are provided to contract agencies by DES/DAAS. Applications may be obtained by completing the DAAS Application Order Form, (**ATTACHMENT 6**). This should be mailed or faxed to DES/DAAS to the following:

**DES/DAAS  
Application Order Form  
Site Code 086Z  
P.O. Box 6123  
Phoenix, AZ 85005-6123  
FAX: 602-364-1756**

### **.02 Right to Request Financial Assistance**

All persons have the right to request financial assistance by following the procedures established by the state and the local agency that provides the services for the area in which they live.

### **.03 Completing the EN005 Application**

Contract agencies must ensure the EN005 pages 1, 2 and 3 are clear and legible and that no information is illegible from "white out". The EN005 must contain the following information.

#### **EN005 – Page 1**

- A. Name, address, and if available, ten digit telephone number.
- B. Personal information, including:
  - 1. Social security number;
  - 2. Gender;
  - 3. Date of birth;
  - 4. Citizenship status;
  - 5. Disability;
  - 6. Health Insurance;
- C. Gross monthly countable income;
- D. Energy Burden;
- E. Employment history for all household members ages 18 and older (16 if not a full time student) for 30 days prior to and including the date of application;

### **EN005 – Page 2**

- F. List applicant and all household members social security number or pseudo number assigned by the agency.
- G. List applicant and all household members names, last, first and middle initial.
- H. Mark gender for each household member, complete date of birth and using the codes on the back of page 3, complete the (6) last grade completed, (7) ethnic code and (8) citizenship status. Mark health insurance yes or no.

### **EN005 – Page 3**

- I. Payment information (Page 3) must include:
  - 1. Vendor name
  - 2. Billing name
  - 3. If Vendor is a landlord, complete landlord section page 3 and include their FEI number.
  - 4. Service Code
  - 5. Budget code
  - 6. Payment amount
- J. Signature of the applicant on the application must match the applicant's name throughout the case file;
- K. Case Manager's signature must be legible and match the worker identification number on page one of the application.

## **202 The Standard Household Unit**

A Standard Household Unit consists of every household member who must be included in the eligibility determination for assistance. If the applicant or a household member is pregnant and in the third trimester of the pregnancy, the fetus is considered an eligible child and shall be listed as an individual in the household.

- A. **Boarders** are one or more persons living in the same house **paying rent to the owner of the home who also lives in the house** or one who lives and pays rent in a commercial boarding house. Income of the owner of the home or other boarders is not counted. Boarders cannot be related by blood or law to the owner of the home.
  - 1. Susan and Jane live in the house that Susan owns. There is no blood or law relationship. Susan is renting a room to Jane and her two children. Jane and her two children are the boarders. Susan will not be included as a household member on the application.
  - 2. Jim is a boarder at a halfway house. Jim is not eligible because a halfway house is not considered permanent housing.
  - 3. Jane and her new baby live with her Aunt Betty. Jane no longer receives child support and cannot pay her Aunt any rent money for the month of June. Because they are related, Jane is considered a



roommate **not** a boarder. All family members in the household are included on the application and all income is counted.

**Note:** An agency may contact DES to request approval for exceptions. Example: If Aunt Betty provides receipts documenting Jane's rental payment history or a contractual agreement indicating Jane's legal obligation to pay a specified rent amount, then Jane could be considered a boarder.

- B. **Roommates** are one or more persons living in the same house **paying rent to the landlord outside of the home**. This should not be confused with boarders as all income for roommates is counted.
1. Linda and Donna are roommates. Donna pays rent to Linda, who has a rental agreement with a landlord living outside the home. They will be considered roommates, and both Linda and Donna will be included on the application.
  2. Martin and Mary own and reside in their own home. Nephew Sam and his family live with them. They will be considered roommates due to the blood relationship between Mary and Sam. All household members will be included on the application.

## 203 **Verification and Documentation**

### **.01 Verification**

Verification is the use of documents, systems information or contacts with third parties to establish the accuracy of information provided by the applicant during the interview and indicated on the application form.

- A. The applicant has the primary responsibility for providing all required verification.
- B. In situations where it is difficult for the applicant to obtain verification needed to complete the eligibility determination, the Contract Agency will offer assistance in obtaining the verification.

### **.02 Documentation**

The case file must contain the method by which eligibility criteria was verified, (Hard Copy, Collateral Contact, Visual Verification or Client Statement). Documentation must support eligibility, ineligibility, and the services to be provided and must be in sufficient detail to permit a reviewer to analyze the accuracy of the eligibility determination.

1. Documentation can be recorded with a hard copy (HC), collateral contact (CC), visual verification (VV), or client statement (CS).
  - Visual verification may only be used when providing a home visit.
2. Documentation is written by the worker to support or clarify any information on the application.

3. A declaratory statement may be used, but only after all other resources have been exhausted. To be considered valid this statement must include:
  - a. Date the statement was made
  - b. Client's signature
  - c. All information required for verification and documentation
  - d. A declaratory statement **CANNOT** be taken to verify citizenship or legal resident status.

### **.03 Mandatory Verification**

The following eligibility criteria must be verified:

- A. Identity of the Applicant; any document that establishes the applicant's identity will be accepted. Documents include, but are not limited to:
  - Driver's license;
  - Work or school ID;
  - ID card from health benefits or another assistance or social service program;
  - Voter registration card;
  - Wage stubs;
  - Birth certificate;
  - Family census card; or
  - Other reasonable sources

When documents are not available; a collateral contact may be used. If all other resources have been exhausted a client statement may be taken, but **NOT** for verifying Citizenship or Legal Resident Status.

- B. **Citizenship or Legal Permanent Resident (LPR) Status** for the **applicant**. (See Exhibit 1 "Instructions for verifying Citizenship and Non-Citizen Legal Permanent Resident (LPR) Status").
- C. **Residential Address**; applicant may provide, lease agreement, utility bills (in clients name), etc.
- D. **Gross Non-Exempt Income of all household members**; income may not exceed 60 percent of the State Medium Income (SMI) for household sizes one (1) through eight (8) or 150 percent of the Federal Poverty Level (FPL) for household sizes 9 and above. See guidelines on Attachment 4.
- E. **Social Security Numbers for applicant and all household members**. If a household member does not have a Social Security Number, the Case Manager may assign a pseudo number following internal agency procedures.

**204. APPLICATION SUBMITTAL**

Applications are not submitted to DES-DAAS. Each agency is responsible for processing applications in order to track the eligibility of the applicant and to pay the vendor.

**300 NON-FINANCIAL ELIGIBILITY**

LIHEAP benefits are available to singles and/or families with children including those receiving cash assistance.

**301. An Eligible Applicant**

1. Must be vulnerable to the rising costs of utilities by having either an obligation to pay a utility bill directly to a utility company or in non-subsidized rent which includes utilities.
2. Must be a U.S. Citizen or a Qualified Non-Citizen with Legal Permanent Resident (LPR) status.
3. An eligible applicant must execute a sworn affidavit (**ATTACHMENT 2**) stating that the documentation provided as listed in Attachment 1 Instructions For Verifying Citizenship and Non-Citizen Legal Permanent Resident (LPR) Status (**ATTACHMENT 1**) during the verification process is/are true.
  - a. Contractors who determine eligibility for these programs will be required to ensure that a sworn affidavit is obtained in a way that does not delay the eligibility determination process, or add cost to the process for the applicant.
  - b. Eligible applicants are exempt from providing an affidavit only if they are 60 years of age or older, if they are Tribal Members, or if they are disabled or have an incapacity of the body or mind which makes them unable to supply such affirmation.
4. Applicant must show an energy burden, and accumulate the required number of points (see section 400, page 11).

**302. Residency**

Applicant must be a resident of Arizona. Services cannot be authorized or provided to an applicant who is traveling through the state or living in Arizona for a temporary reason. Assistance may be provided to homeless households if they are requesting assistance to establish utility services.

**The applicant shall not be a resident of an institution. Institutions include but are not limited to:**

- ◆ Hospitals
- ◆ Licensed Domiciliary Care Facilities (family care homes, homes for the aged and family care homes for developmentally disabled adults)
- ◆ Intermediate Care Facilities

- ◆ Skilled Nursing Facilities or Homes
- ◆ Alcohol and Drug Rehabilitation Centers or Treatment Programs
- ◆ Dormitories
- ◆ Temporary protective facilities, such as domestic violence shelters, etc.
- ◆ Prisons

**303. Previously Granted Applicants**

If two parties, previously considered as one household, receive a LIHEAP regular or Supplemental benefit, then separate, neither party may again receive a regular LIHEAP payment during the same 12-month period. If neither party has received a Supplemental benefit, an application may be taken and if eligible, payment may not exceed the **\$500 limit**.

**304. Abandonment/Incarceration/Death**

If the wage earner abandons the household, is incarcerated or dies, the intake worker should consider only the income of any remaining family members.

### 305. **Tribal Members**

If an applicant is a member of a tribe that receives LIHEAP funding directly from the Federal Department of Health & Human Services (DHHS) or contracts from the Arizona Department of Economic Security-Divisi0n of Aging and Adult Services (ADES-DAAS) and resides on reservation land, the Community Action Agencies (CAAs) are not required to provide utility assistance benefits.

If a tribe does not receive benefits directly from DHHS or contracts with the ADES-DAAS, tribal applicants must be served in the same manner as other applicants by the CAA within the geographic area. Below is a list of Arizona tribes that contract directly with the ADES-DAAS.

<b>Tribes - Direct DHHS Funding</b>	<b>Tribe Contracting with the State</b>
Cocopah Tribal Council	Tohono O'Odham Nation
Colorado Indian Tribe	
Gila River Pima-Maricopa Community	
Navajo Nation	
Pascua Yaqui Tribe	
Quechan Indian Tribe (Fort Yuma)	
Salt River Pima/Maricopa County	
San Carlos Apache Tribe	
Fort Mohave Tribe	

**306. Time Limits**

Regular LIHEAP shall be authorized only once in a twelve consecutive month period, which begins on the eligibility date determined by the contract agency.

**307. Allowable Categories for Financial Assistance**

LIHEAP Benefit payments will be utilized to provide the following services:

1. Utility Payments for heating/cooling bill assistance:
  - Electric
  - Gas
  - Propane
  - Wood/coal
2. Temporary Emergency Shelter (if needed due to energy related crisis).
3. Water bills (related to evaporative cooling for bills incurred for the months of May 1 through October 31).
4. Payment to landlords (when utility costs are included in rent).

**400. Eligibility Determination and Completing the LIHEAP Worksheet**

LIHEAP benefits are targeted to assist low-income households, particularly those with the lowest income, that pay a high proportion of their income for home energy. There are three (3) areas that are used to complete the LIHEAP Worksheet (**ATTACHMENT 3**) and determining LIHEAP benefits:

01. **Income of all household members**; may not exceed 60 percent of the State Medium Income (SMI) for household sizes one (1) through eight (8) or 150 percent of the Federal Poverty Level (FPL) for household sizes 9 and above. After determining the monthly gross income for the household, use the Percent of Poverty Display-Monthly Household Size income chart (**ATTACHMENT 4**) to determine percent of poverty and number of points for the household.

<b>% of Poverty</b>	0% to 74%	4 Points
	75% to 100%	3 Points
	101% to 125%	2 Points
	126% to 150%	1 Point

**02. Energy Burden**

Energy Burden is determined by dividing the household's utility costs by the 30 days income.

5%	or	Less	0 Points
6%	-	10%	3 Points
11%	-	15%	4 Points
16%	-	20%	5 Points
21%	or	Higher	6 Points

- When an application is taken, if the client utilizes electric and gas utilities, both bills will be used to determine the energy burden. If the applicant does not have both bills at the time of application, **the maximum amount of \$50 can be used for gas or propane (only if the client uses either)**; for electricity, a current one-month billing amount can be obtained by calling the utility company, and for wood a maximum of **\$200** can be considered to calculate the household's energy burden.
- If utilities are included in the rent and the landlord refuses to specify the utility portion, a maximum of **\$200** can be considered to calculate the household's energy burden.
- If the applicant has both the electric and gas bills, use a one-month billing amount from each of the bills. Only a one (1) month billing cycle for a utility bill is to be considered in determining the energy burden. It can be the past due amount if it covers a one-month period or the current month's bill. The amount that would be the most beneficial to the client should be used to calculate the energy burden. If the household is solely electric, use only one month's billing amount.
- If the client has receipts for the purchase of propane for one month's use, the caseworker must use that amount. If the amount covers a 6 (six) month usage, then divide the amount by 6 (six) to determine a months usage.
- If the household is requesting a deposit for utilities, use the required deposit amount(s) including disconnect, re-connect and late fees to determine the energy burden. If a deposit is needed for both gas and electric, use both amounts to determine the energy burden.
- If the applicant has no bills for gas or propane or the Case Worker cannot make contact with a utility vendor then the Case Worker can note the application as such and this will suffice as the client statement verifying usage of either gas or propane (can only be used for this purpose) once the application is signed by the applicant and the Case Worker.

**03. Energy Need**

- Priority points will be given to households that include a member of a vulnerable population. This includes:

<i><b>Elderly</b></i>	<i><b>1 Point</b></i>
<i><b>Working Poor</b></i>	<i><b>1 Point</b></i>
<i><b>Disabled</b></i>	<i><b>1 Point</b></i>
<i><b>Child age 6 and Under</b></i>	<i><b>1 Point</b></i>

- “**Elderly**” is defined as any individual age 60 and over.
- ***“Working poor” is defined as any eligible household with at least one member who received or is due earnings from any type of employment or receiving unemployment benefits, within 30 days prior to the date of application.***
- A **"handicapped" individual** is defined as any person in the household with a permanent or temporary disability. The handicapped status on the application must be marked yes.
- A maximum of 1 point can be given in each category. 1 point for elderly, 1 point for working poor, 1 point for a disabled household member and 1 point for a child age 6 or under living in the household. The household will receive 1 point for a child age 6 or under regardless of the number of children in the household.

**TO DETERMINE BENEFIT PAYMENT LEVELS, THE FOLLOWING GUIDELINES WILL BE FOLLOWED:**

<i><b>Total Points</b></i>	<i><b>Payment Levels</b></i>
<i><b>1 - 2</b></i>	<i><b>\$ 75 - \$ 160</b></i>
<i><b>3 - 6</b></i>	<i><b>\$ 125 - \$ 320</b></i>
<i><b>7 - 11</b></i>	<i><b>\$ 175 - \$ 480</b></i>
<i><b>12 - 15</b></i>	<i><b>\$ 225 - \$ 640</b></i>

- Calculation of points should be rounded to the nearest whole number using standard rounding rules: .5 and over-round up and .4 and below-round down.
- Benefit levels must be within the point ranges.
- Minimum payment level for the point range **must be made**.
- Maximum payment level for the point range **cannot be exceeded**.



#### **500. LIHEAP SUPPLEMENTAL BENEFIT**

A LIHEAP payment and a supplemental payment cannot be given at the same time, unless the full maximum amount has been issued for the LIHEAP payment level based on total points. The point system is not applicable for providing supplemental payments.

If the LIHEAP payment is not sufficient to cover the bill amount, the supplemental payment can be used as a second energy benefit or utility deposit, **ONLY if the household has a shut off or delinquency notice, or an eviction notice if utilities are included in rent.**

**For example:** Current balance owed = \$398.00. LIHEAP Maximum = \$320.00 payment provided = UTS can be allowed **within the payment guidelines of \$20 minimum to \$500 maximum** (local decision).

If the LIHEAP payment is sufficient to cover the bill amount, the supplemental payment cannot be used as a second energy benefit or utility deposit as the crisis has been resolved.

**For example:** Current balance owed = \$224.00. LIHEAP Maximum eligible for is a \$320.00 LIHEAP payment – because the LIHEAP benefit satisfied the crisis - NO UTS allowed

**A crisis must exist in order to issue a supplemental payment and the crisis must be clearly and fully documented on the application.**

**A crisis is defined as:**

**A shut off or delinquency notice or if utilities are included in the rent, an eviction notice, or**

The determination of a Human Service Emergency made by the Department of Economic Security. A Human Services Emergency includes but is not limited to fire or flood which results in the evacuation of homes and shelters. Upon determination of a Human Service Emergency, households affected may be assisted with costs to temporarily shelter or house individuals in hotels, apartments or other living situations in which homes have been destroyed or damaged, i.e., placing people in settings to preserve health and safety and to move them away from the crisis situation.

- If a shut off or delinquency notice is not available, the caseworker may contact the utility provider to verify as a form of collateral contact. (The case file must be fully documented with this information).
- If a household has an eviction notice and utilities are included in the rent, the caseworker may authorize a payment up to the maximum supplemental payment amount of \$500.
- Supplemental payments must be made within the payment guidelines of \$20 minimum to \$500 maximum.

**600 Financial Eligibility for the LIHEAP Program effective: July 1, 2011 to June 30, 2012.**

***For the Low Income Home Energy Assistance Program (LIHEAP) a household's total gross countable income for the past 30 days including the date of application shall not exceed 60% of the State Medium Income*** for household sizes one (1) through eight (8) or 150 percent of the Federal Poverty Level (FPL) for household sizes 9 and above. See guidelines on Attachment 4.

**601 Income**

This section describes various kinds of income used to determine eligibility. These policies and procedures are applicable to all households who apply for services from the Low Income Home Energy Assistance Program.

**.01 Countable Incomes**

EARNED and/or UNEARNED income will be considered in determining eligibility for services. The gross amount of income prior to deductions will be counted unless otherwise specified.

- A. Income will be counted as received at the time it is made available to the household. A check is considered **received** when it is added to the deposited account, put in the hands of the client, or made available to the client.

**Example:**

Friday is a regularly scheduled payday. Client requests paycheck that is available on Friday, March 31, 2000 be mailed due to illness. The check was received in April. The check will be counted as **received** on March 31<sup>st</sup>.

- B. Regular monthly income deposited directly into a financial institution (e.g. SSA, SSI, VA, etc.) will be considered countable income in **the month for which it was intended**. Count the income in the month it is intended, even when it was actually received in the prior month.

**Example:**

SSA deposited April's social security check on March 31, 2000 because April 1<sup>st</sup> (normal day of deposit) was a Saturday. The **month for which it is intended** is April. Count the social security check received April 1<sup>st</sup>.

- C. **Non Recurring lump sum payments are counted as both a resource and income.** When a portion of the lump sum is intended for the current month, only that portion is countable income. The balance would be counted as a resource. Sources of lump sum payments include but are not limited to: CA, GA, SSA, SSI, VA, and UI.

**Example:**

Client receives a **non-recurring lump sum payment** from SSA in the amount of \$1,800 in June. Client was awarded \$600 per month. The \$1,800 is for the months of April, May, and June. Count \$600 as

income for June. The remaining \$1,200 is counted as a resource because it is back payments for the prior months of April and May.

**.02 Individuals Who's Income Must Be Counted**

- A. Any income of a household member age 18 and older will be counted, including ineligible household members. Income for all persons ages 16 and 17, **who do not attend school full time**, will be counted.

**.03 Individuals Who's Income Will Not Be Counted**

- A. Any and all earned and unearned income for persons ages 16 and 17 who attend school full time is not counted.
- B. When domestic violence occurs, the income and resources of the abuser are not counted as long as domestic violence is the crisis reason, and the abuser is no longer in the household.(see section 304.01)
- C. When domestic violence occurs, the income and resources of the applicant are not counted as long as the applicant does not have access to his/her income and resources, and the abuser is no longer in the household

**602 Earned Income**

Earned income is defined as either cash, or in-kind income received as compensation for wages, salaries, commissions, or profit through employment or self-employment.

**.01 Types of Earned Income** Earned income includes but is not limited to:

- A. ARIZONA TRAINING PROGRAM (ATP) - Salaries to handicapped persons working in a sheltered workshop situation are counted. Verbal or written verification may be obtained from ATP.
- B. BABY-SITTING OR CHILDCARE INCOME - Earnings from baby-sitting are counted as self-employment income. Verbal or written verification may be obtained from DES or the person paying for the care.
- C. CAN OR BOTTLE SALES OR OTHER USABLE DISREGARDS - Income from these sales is counted as self-employment income. Client should have receipts for such sales. If receipts are not available, a signed and dated client statement would be acceptable.
- D. CONTRACT INCOME – Income received by individuals who are employed under a contract that states a specific length of time and a specific income amount to be paid during that time.
- E. HOUSEKEEPER OR HOME HEALTH AIDES - Income earned as a housekeeper or home health aide is countable. Verbal or written verification may be obtained from the employer. Income is only counted once, if living in the household and paid by the applicant.

- F. **IN-KIND EARNED INCOME** - Work performed by a client in exchange for room, board, or other needs is earned in-kind income. The employer will establish the monetary value of the service. A collateral contact or a signed and dated statement from the employer, or client can verify in-kind income. The employer may be, but is not limited to:
1. A landlord who is providing rent, or portions of the rent or utilities in exchange for work.
  2. A storeowner who gives goods, such as groceries, clothes, or furniture in exchange for work.
  3. An individual who receives a car, tools, trailer, building material, gasoline, etc. in exchange for work.
- G. **JURY PAY** - Counted as earned income. Check stubs should be available to verify income.
- H. **MILITARY INCOME** – Wages received while in the military are countable. This includes: base pay (BP), Proficiency pay (PRO), rations (separate/leave), basic allowance for housing (BAQ), basic allowances for subsistence (BAS), and variable housing allowance (VHA) when considered an entitlement. Use the leave and earnings statement, when available, to verify the amount of earned income issued.
- I. **RENTAL INCOME** – Any monies received from rental of property, including boarders, less expenses, are counted as earned income if work is involved.
1. Work includes, but is not limited to, managing rental property requiring maintenance, collection of rent, or accounting functions. There is no time requirement for number of hours worked.
  2. If a person's income from rental of property does not require work, rent is considered unearned income.
- J. **SELF-EMPLOYMENT INCOME AND EXPENSES** - Self-employment includes but is not limited to, businesses such as grocers, craftsmen, taking in boarders, ranching, farming, swap meet sales, odd jobs, baby-sitting, can and bottle collection, janitorial, guide for hunting or fishing, or any wholesale or retail sales.

Clients are not considered self-employed if they work for a business or another person on a commission basis, unless the client reports and pays his/her own withholding taxes for state, federal and FICA.

Acceptable verification for self-employment is:

1. IRS Form 1099
2. Ledger statement

### 3. Client statement

When calculating self-employment income, the client may deduct any business expenses. Gross incomes minus business expenses equals countable income.

- K. VOCATIONAL REHABILITATION (VR) – Wages from VR sponsored on-the-job training (OJT) are countable.
- L. WAGES – Gross earnings from employment, prior to any deductions, garnishments, allowances, or adjustments. Special benefits or deductions connected with employment earnings are counted as follows:
  - 1. Advances, bonuses and commissions must be counted as earned income in the month received.
  - 2. When tips are shown on the pay-stub and the household claims a lesser amount but has no record of actual tips received, count the amount on the pay-stub.
  - 3. When tips are not shown on the pay-stub, obtain the individuals' written tip record. When not available, obtain a written statement from the household or contact the employer.
- M. WORKFORCE INVESTMENT ACT (WIA) – Earnings from employment through WIA will be counted for persons age 18 and over.
- N. WORK STUDY - Earnings received from the following: Work-study programs, when the funds do not come under Title IV of the Higher Education Act; Veterans Administration work-study program.

## **.02 Verification of Earned Income**

Gross earned income must be verified prior to initial approval. All gross earned income received by the household members ages 18 years and older (16 unless a full time student) is counted in determining the total income. Contract agency staff are responsible for obtaining accurate gross amounts from the client or employer.

### Acceptable verification includes but is not limited to:

- 1. Paycheck stubs(s);
- 2. Copy of check, when gross earnings are listed;
- 3. Employer's statement that is signed and dated. (When employer verification would jeopardize the applicant's job, other means of verification must be pursued.)
- 4. The employer's statement must include the following:
  - 1. Name, address and telephone number of employer,
  - 2. Frequency of receipt,
  - 3. Gross amount of income,
  - 4. Day of the week pay is received.
- 5. Letter from the agency providing government sponsored training;

6. Assistance payment records;
7. Award letter;
8. Bank records;
9. Court records;
10. DCSE printouts;
11. Divorce or separation papers or contact with the Clerk of the Court;
12. The current check, when it reflects gross income. Federal government checks are not to be photo-copied; Signed statement from agency or payer providing income,
13. Client's statement, WHEN NO OTHER VERIFICATION CAN BE OBTAINED. All other possible verification sources must be exhausted before accepting client statement. Document all attempts to verify and why the client's statement is being allowed.
14. Verification of Terminated Income
  1. When job termination is reported in the prior 30 days to the date of the application, verify the following:
    - The date of termination;
    - Gross income received in the prior 30 days;
    - The last payday and the gross amount paid.

### **603 Unearned Income**

Income, which was not received as a result of the performance of a service, or earned from sources other than employment, self-employment or in-kind income.

**.01 Types of Unearned Income:** Countable unearned income includes but is not limited to:

- A** ALIMONY OR SPOUSAL MAINTENANCE - A court-ordered support amount, which a legally divorced or separated person pays to the spouse, must be counted. Verbal or written verification may be obtained from the office of the Clerk of the Court or Division of Child Support Enforcement.
- B** ASSISTANCE PAYMENTS - such as General Assistance (GA) or Cash Assistance (CA) from this state, as well as, other states must be counted.
- C** BUREAU OF INDIAN AFFAIRS (BIA)
  1. BIA-General Assistance payments are public assistance and treated as any other assistance payments.
  2. Clothing allowances available to the individual, whether in cash or a voucher made out to the individual must be counted.
  3. Tribal Work Experience Program (TWEP) or Tribal Assistance Project Program (TAPP). Exclude any portion of the amount, which is an incentive payment.
- D** CHILD SUPPORT - Any payment received directly by the household from an absent parent or paid through the Division of Child Support Enforcement or Clerk of the Court. All child support income will be considered unearned income.
- E** COMMISSIONS - Commissions received from a terminated source of employment are counted as unearned income.

- F** CONTRIBUTIONS AND COMPLIMENTARY ASSISTANCE - Cash contributions must be counted as unearned income, if not considered as gifts or child support.
- G** INDUSTRIAL COMPENSATION - The amount of the compensation, after attorney's fees are deducted, is unearned income. The Industrial Claim award letter will verify amount being paid but will not verify the attorney's fees.
- H** INDIAN GAMBLING INDUSTRY - Per capita disbursements are considered income in the month received. Any amount remaining in a following month will be counted as a resource.
- I** INSURANCE
1. Insurance payments made directly to the insured must be considered income IF the money is not used to replace or repair insured items, such as car, roof repair, or medical bills.
  2. Insurance benefits, which are used for or are intended to meet basic daily needs, are counted as unearned income.
- J** INTEREST, DIVIDENDS, AND ROYALTIES - Any interest, dividend, or royalty payments, exceeding \$50 in the 30 days prior to and including date of application made directly to the individual, are counted as unearned income. Funds left on deposit or converted into additional securities are a resource.
- K** LEGAL SETTLEMENTS - Legal settlements, less attorney fees and medical bills paid by the attorney out of the settlement, are unearned income in the month received.
- L** MORTGAGES AND SALES CONTRACTS - Payments received from mortgages or sales contracts are counted. Includes payment received from a reverse mortgage.
- M** LUMP SUM PAYMENT – Any form of income received in a lump sum payment, including but not limited to:
1. Inheritance;
  2. Winnings from lotteries, bingo, or any other form of gambling;
  3. Insurance settlements including amount withheld as a lawyer's fee;
  4. Property Tax Credit;
  5. Rebates/Credits;
  6. Refund Deposit;
  7. Severance Pay.
- N** RENTAL INCOME - If the property owner does not perform any services in order to receive the income, it is unearned income.
- O** RETIREMENT INCOME - The payments from retirement funds, pensions, and annuities must be considered unearned income.
- P** SOCIAL SECURITY ADMINISTRATION BENEFITS\* - SSA benefits (sometimes referred to as RSDI-Retirement, Survivors, and Disability Insurance) are granted to eligible wage earners and/or their dependents or survivors and are counted as unearned income. **FOR THE LIHEAP PROGRAM DO NOT INCLUDE THE MEDICARE DEDUCTION IN THE TOTAL AMOUNT**
- Q** SUPPLEMENTAL SECURITY INCOME (SSI) - Monthly cash payments made under the authority of Title XVI of the Social Security

- Act, as amended, to the aged, blind, and disabled (A Federally financed public assistance program). The recipient need not have contributed to the Social Security Fund to be eligible for SSI benefits.
- R** STRIKE PAY - from unions to striking employees is not wages and must be considered unearned income. If there is no check stub, verification can be obtained by calling the Union.
  - S** UNEMPLOYMENT INSURANCE (UI) - Considered unearned income in the month received. The amount of income can be verified by a check stub or contacting the local UI office.
  - T** VETERANS ADMINISTRATION BENEFITS (VA) - Retirement, Survivors, Disability, and Educational Benefits are paid to veterans and their dependents or survivors. Only the amount of the benefit, which is actually received by the person whose income must be included, will be counted.

## **.02 Verification of Unearned Income**

- A. Gross income must be verified before approval. Acceptable verification includes but is not limited to:
  1. Assistance payment records;
  2. Award letter;
  3. Bank records;
  4. Court records;
  5. Division of Child Support Enforcement (DCSE) print-outs;
  6. Divorce or separation papers or contact with the Clerk of the Court;
  7. The current check when it reflects gross income. Federal government checks are not to be photocopied;
  8. Signed statement from the agency or payer providing the income;
  9. Client's statement **WHEN NO OTHER VERIFICATION CAN BE OBTAINED**. All other possible verification sources must be exhausted before accepting a client statement. Caseworker must document all attempts to verify why the client's statement is being allowed.

## **604 Excluded Income**

Only the income discussed in this section will be excluded.

- A. Insurance payments designated to repay a specific bill, debt, or estimate, which cannot be used for other needs, is not countable;
- B. WIC - Payments or benefits to persons participating in the WIC program (Special Supplemental Food Program for Women, Infants, and Children) must be disregarded;
- C. Retirement, pension, and annuity accounts are not countable as long as the money **cannot** be withdrawn **without penalty**;
- D. Bureau of Indian Affairs (BIA) work-study program. This includes monies provided for educational and living expenses;
- E. Work study programs funded under Title IV of the Higher Education Act;



- F. Any portion of an education grant or scholarship used for books & supplies, tuition or fees;
- G. Earned income of a child 16 and 17 years of age who is a full time student;
- H. Earned income of a child under 16 years of age;
- I. Cash gifts of \$50.00 or less per month per household member;
- J. Non-cash benefits provided on behalf of a household member but not paid directly in the name of the household member, including but not limited to vouchers for food, clothing, or housing;
- K. Loans that need to be repaid;
- L. Money that a household member receives and uses for the care and maintenance of a person who is not a household member;
- M. Payments/vouchers received by the household from the State for the health/well-being of a foster child residing in the household.
- N. Stipends from senior companion programs –VISTA, Title II, Title V;
- O. Earned Income Tax Credit;
- P. Income Tax Refund;
- Q. Reimbursements, e.g.; mileage, gas, lodging, and meals;
- R. Agent Orange Payments;
- S. Ameri-Corps Network Program payments for living allowances, earnings, and in-kind aid. The Ameri-Corps Network Program includes but is not limited to:
  - 1. Arizona Conservation Corp,
  - 2. Arizona Council of Centers for Children and Adolescents (ACCCA),
  - 3. Border Volunteer Corps (BVC),  
Mesa Ameri-Corps Community Services Partnership,  
Rural Health Office, University of Arizona,  
Youth in Action, Learn and Serve (NAU),  
Child Care Food Program payments,
- T. Disaster or emergency assistance provided by the Federal Disaster Relief Act or comparable assistance provided by States, local governments and disaster assistance organizations;
- U. Housing and Urban Development (HUD) – Some individuals residing in HUD housing are granted benefits either in the form of credits against their rent or as cash allowances. The cash allowance must be used for the purpose intended, (rental or utility obligation).
- V. Education and Employment: (a) Any wages, allowances, or reimbursement for transportation and attendant care cost, unless accepted on a case-by-case basis, when received by an eligible handicapped individual employed in a project under Title VI of the Rehabilitation Act of 1973 as added by Title II of Public Law 95-602 (92 Stat. 2992, 29 U.S.C. 765(b)(c) )
- W. Payments to members of specific Indian Tribes and Groups:
  - (a) Settlement fund payments and the availability of such funds to members of the Hopi and Navajo Tribes under section 22 of Public Law 93-531 (88 Stat. 1722) as amended by Public Law 96-305 (94 Stat. 929). Note: This exclusion applies to the income of sponsors of aliens only if the alien lives in the sponsor's household.
  - (b) Any distributions of judgment funds to members of the San Carlos Apache Indian Tribe of Arizona under section 7 of Public Law 93-134 (87 Stat. 468) and Public Law 97-95 (95 Stat. 1206). Note: This exclusion applies to the

income of sponsors of aliens only if the alien lives in the sponsor's household.

X Adoption Subsidies/Reimbursements

Adoption Subsidy payments are federally, state, or locally funded assistance payments provided to children with special needs. These payments are intended to help a child whose special needs otherwise might hinder their adoption. Adoption Subsidy payments vary depending on the special needs of the child. Adoption subsidy payments are NOT COUNTABLE as income.

Y. Other:

- a. Compensation provided to volunteers by the Corporation for National and Community Service (CNCS), unless determined by the CNCS to constitute the minimum wage in effect under the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.), or applicable State law, pursuant to 42 U.S.C. 5044(f)(1). Note: This exclusion does not apply to the income of sponsors of aliens.
- b. Any assistance to an individual (other than wages or salaries) under the Older Americans Act of 1965 as amended by Section 102 (h)(1) of Pub. L. 95-478 (92 Stat. 1515, 42 U.S.C. 3020a).
- c. Amounts paid as restitution to certain individuals of Japanese ancestry and Aleuts for losses suffered as a result of evacuation, relocation, and internment during World War II, under the Civil Liberties Act of 1988 and the Aleutian and Pribilof Islands Restitution Act, sections 105(f) and 206(d) of Public Law 100-383 (50 U.S.C. App. 1989 b and c).
- d. Payments made under section 6 of the Radiation Exposure Compensation Act, Public Law 101-426 (104 Stat. 925, 42 U.S.C. 2210).
- e. Payments made to individuals because of their status as victims of Nazi persecution excluded pursuant to section 1(a) of the Victims of Nazi Persecution Act of 1994, Public Law 103-286 (108 Stat. 1450).
- f. Any matching funds from a demonstration project authorized by the Community Opportunities, Accountability, and Training and Educational Services Act of 1998 (Pub. L. 105-285) and any interest earned on these matching funds in an Individual Development Account, pursuant to section 415 of Pub. L. 105-285 (112 Stat. 2771).
- g. Any earnings, Temporary Assistance for Needy Families matching funds, and interest in an Individual Development Account, pursuant to section 103 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Pub. L. 104-193, 42 U.S.C. 604(h)(4)).
- h. Payments made to individuals who were captured and interned by the Democratic Republic of Vietnam as a result of participation in certain military operations, pursuant to section 606 of the Departments of Labor, Health and Human Services and Education and Related Agencies Appropriations Act of 1996 (Pub. L. 105-78).
- i. Payments made to certain Vietnam veterans' children with spinal bifida, pursuant to section 421 of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act of 1997 (Pub. L. 104-204, 38 U.S.C. 1805(a)).
- j. Payments made to certain Vietnam veterans' children with spinal bifida, pursuant to section 421 of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act of 1997 (Pub. L. 104-204, 38 U.S.C. 1805(a)).

## **605 Income Source**

The income eligibility determination will be completed prior to approving financial assistance.

### **.01 Documentation**

The case file must be clearly documented. Documentation must include, but is not limited to:

1. Discussion with individual;
2. Verification received from the income source:
  - a.. Hours worked
  - b. Pay period end date
  - c. Actual pay dates
  - d. Frequency of pay;
3. Extra income – such as, bonuses, tips, commissions, overtime;
4. Explanation of how self-employment income was determined;
5. Date, name, phone number and information about the collateral contacts;
6. Identify the time frame by dates for the 30-day period prior to and including the date of application, i.e., from (month/date) to (application date);
7. Using the frequency and the day of the week paid from a calendar; determine the number of pay dates in the thirty-day period.

### **.02 Calculating Income**

- A. Identification of the 30-day period prior to and including the date of application: i.e., from (month/date) to (application date);
- B. The number of pay dates in the thirty-day period; determine frequency of pay date and the day of the week paid.
- C. Write the received dates and the gross income.
- D. Total this and any other income for the household to calculate the gross income. This process is used to determine if the household is eligible under the required poverty guidelines for LIHEAP.

## **606 Future Income**

An agency cannot deny assistance through the **Low Income Home Energy Assistance Program (LIHEAP)** programs due to the household's lack of resources to meet future needs.

## **700 Decision Notices**

### **701 Approval Notices**

When the decision is to approve assistance for **Low Income Home Energy Assistance Program (LIHEAP)**, the agency approval notice or EN005 application completed approval page is given to the applicant. No further action will be required. If the client refuses the copy of the completed approval page, Case Manager must document this in the file.

### **702 Denial Notices**

When the decision is to deny or reduce assistance, the denial reason must be stated on the denial letter, or on the EN005 application, which is given to the applicant.

The applicant has the right to appeal this decision. Instructions for initiating the appeal process are listed below in Section 700, Grievance Hearing.

The applicant is handed or mailed a hard copy of the denial notice within five (5) working days of application date.

**800 PAYMENT PROCESS**

The contracted agencies will make direct payments to vendors, and will receive reimbursement through the DES-DAAS contract invoice process.

**900 GRIEVANCE HEARING**

A grievance hearing is a process through which any individual may have a decision reviewed by an impartial third party.

A hearing may be conducted in an informal manner and without adherence to the rules of evidence required in judicial proceedings. Neither the manner of conducting the hearing or the failure to adhere to the rules of evidence required in judicial proceedings shall be grounds for reversing any administrative decision or order, providing the evidence supporting such decision or order is substantial, reliable, and probative.

**901 Right to File**

**.01 Reasons for Requesting a Grievance Hearing**

An opportunity for a grievance hearing shall be granted to any appellant who requests a hearing because his or her application for financial assistance was denied, terminated or incurred a benefit reduction.

**.02 Time Limits**

The appellant must submit a written request to the Contract Agency within ten (10) working days of the date on the EN005 application (EN005) denial page, or date of post-marked letter denying eligibility or affecting assistance. The request must be signed, dated, and contain the reason for requesting the hearing.

**.03 Notification Requirements**

During the interview process, the appellant must be informed of the right to request a grievance hearing, the procedure for requesting it, and the right to be represented by anyone of his/her choice.

**902 Contract Agency's Responsibilities**

The Contract Agency will provide the applicant with a copy of the EN005 application. The Contract Agency is also responsible for the following hearing related activities:

- A. Upon written or verbal request, provide the appellant with the phone number and address of any legal service available.
- B. Upon written or verbal request, provide the appellant with materials needed to prepare for the hearing, including copies of pertinent documents in his/her case file.
- C. The fair hearing notice shall be given to the appellant at least twenty (20) calendar days prior to the date set for the hearing and include: date, time, address, and a statement of the issues involved.

- D. Determine whether a bilingual interpreter or other alternative form of communication is needed.
- E. The Contract Agency shall render a written decision to the appellant no later than twenty (20) calendar days from the date of the grievance hearing.
- F. Appellant must be advised of their right to appeal the decision and process by which to do so.

## **903 Appeals**

### **.01 Appellant's Appeal of Contract Agency's Decision**

- A. In the event the appellant wishes to appeal the decision of the Contract Agency, the Program Manager at the Department of Economic Security, Division of Aging and Adult Services level will be responsible for conducting the appeal hearing.
- B. The appellant must submit a written request to DES-DAAS within ten (10) working days of the post-mark date of the Contract Agency's grievance decision. The request must be signed, dated, and contain the reason for requesting the hearing. The request must be submitted to:

**DEPARTMENT OF ECONOMIC SECURITY - Site Code 086Z  
Division of Aging and Adult Services  
COMMUNITY ACTION PROGRAMS (CAP) Manager  
P.O. Box 6123  
Phoenix, AZ 85005-6123**

**NOTE:** All documents given to the public must include a reasonable accommodation statement.

### **.02 Contract Agency Responsibilities to Division of Aging and Adult Services**

The Contract Agency is responsible for providing the following information to DES-DAAS within ten (10) working days from the request:

- A. A grievance packet that contains the application, verification documents which justify the agency action taken, case notes, print outs and all other information relevant to the issue, and a copy of the denial notice given to applicant.
- B. A brief summary of the circumstances supporting the Contract Agency's determination which is at issue including copies of all pertinent documentation.
- C. The date the hearing was conducted.

### **.03 Division of Aging and Adult Services Responsibilities**

DES-DAAS staff is responsible for the following hearing related activities:

- A. Upon written or verbal request, provide the appellant with the phone number and address of any legal service available.

- B. Upon written or verbal request, provide the appellant with materials needed to prepare for the hearing, including copies of pertinent documents in his/her case file.
- C. The fair hearing notice shall be given to the appellant at least twenty (20) calendar days prior to the date set for the hearing and include: date, time, address and a statement of the issues involved.
- D. Determine whether a bilingual interpreter or other alternative form of communication is needed.
- E. Program Manager shall render a written decision to the appellant and Contract Agency no later than twenty (20) calendar days from the date of the grievance hearing.

**.04 Appellant's Appeal of Community Division of Aging and Adult Services Decision**

- A. If the appellant wishes to appeal the decision of the Program Manager, Division of Aging and Adult Services (DES-DAAS), the Executive Staff Assistant will be responsible for conducting the appeal hearing and making the final determination.
- B. The appellant must submit a written request to the DES-DAAS Executive Staff Assistant within (10) ten working days of the post-mark date of the Program Manger's letter denying eligibility or reducing assistance. The request must be signed, dated, and contain the reason for requesting the hearing. The request must be submitted to:

**DEPARTMENT OF ECONOMIC SECURITY  
Division of Aging and Adult Services  
Community Action Programs Unit  
Site Code 086Z  
Executive Staff Assistant  
P.O. Box 6123  
Phoenix, AZ 85005-6123**

**.05 Contract Agency's Appeal Rights**

- A. If the Contract Agency wishes to appeal the decision of the Program Manager, Division of Aging and Adult Services (DAAS), the Executive Staff Assistant will be responsible for conducting the appeal hearing and making the final determination.
- B. The Contract Agency must submit a written request to the Executive Staff Assistant at the Division of Aging and Adult Services (DAAS) within (10) ten working days of the post-mark date of the Program Manger's letter of the appellant's appeal decision. The request must be signed, dated, and contain the reason for requesting the hearing. The request must be submitted to:

**DEPARTMENT OF ECONOMIC SECURITY  
Division of Aging and Adult Services  
Community Action Programs Unit  
Site Code 086Z**

**Executive Staff Assistant  
P.O. Box 6123  
Phoenix, AZ 85005-6123**

**.06 Arizona Department of Economic Security**

The Executive Staff Assistant is responsible for the following appeal hearing activities:

- A. Upon written or verbal request, provide the appellant with the phone number and address of any legal service available.
- B. Upon written or verbal request, provide the appellant with materials needed to prepare for the hearing, including copies of pertinent documents in his/her case file.
- C. The fair hearing notice shall be given to the appellant at least twenty (20) calendar days prior to the date set for the hearing and include: date, time, address, and a statement of issues involved.
- D. Determine whether a bilingual interpreter or other alternative form of communication is needed.
- E. The Executive Staff Assistant shall render a written decision to the appellant, Contract Agency, and Program Manager no later than twenty (20) working days from the date of the grievance hearing.

## **1000 Operating Principles**

### **1001 Nondiscrimination**

#### **.01 Requirements**

- A. In compliance with Title VI of the Civil Rights Act of 1964 and Executive Order 12250, no individual in Arizona shall be excluded from participation in, denied benefits or subjected to discrimination under any program or activity receiving Federal funds, because of:
  - 1. Race;
  - 2. Color;
  - 3. National origin;
  - 4. Handicap;
  - 5. Religion; or
  - 6. Sex
- B. In compliance with the Age Discrimination Act of 1975, no individual shall be denied services or participation or be subjected to discrimination in any of its programs or activities on the basis of age.

### **1002 Information Available to the Public**

The items which govern program administration will be maintained in the DES-DAAS office, 1789 W. Jefferson, Phoenix, Arizona 85005 for examination during regular office hours.

- **Low Income Home Energy Assistance (LIHEAP)** – State Plan and the LIHEAP policy manual

### **1003 Confidential Information**

Public law and federal regulations place restrictions on the release of confidential information, and set guidelines for the disclosure of non-confidential materials. All applications, records, files and communications of DES and contractors, relating to specific applicants for assistance and recipients of services funded by DES, are confidential records.

All information, regarding an applicant or recipient, is confidential and may be disclosed only for purposes of determining eligibility, providing services, or investigating suspected fraud in connection with the program. Applicants for services authorize access to their records by signing the application. Anyone not authorized on the application must have the applicant's written approval to access information. Information that can be exchanged must pertain to the eligibility of the applicant, and excludes items that do not address eligibility, i.e., and personal details. Inappropriate disclosure of information can result in severe disciplinary action, or could result in the suspension of the contract agreement.

Access to information by inappropriate, unauthorized individuals or parties shall be considered a violation of the individual's right to confidentiality. Care should be taken



to secure all files in the office so that unauthorized personnel do not have access to them. All records shall be open to any and all federal, state, and contractor auditors and/or examiners in the course of their regular audits.

General information, policy statements, or statistical materials, which cannot be directly identified to any individual or family, are not considered confidential information. They may be given to, or provided by: agencies, helping organizations, or contracted parties, unless restricted by Arizona statutes, federal regulations, or court orders.

When the decision reported is to approve assistance, the approval notice or EN005 application is information only and no further action is required.

When the decision reported is to deny or reduce funded assistance, the reason for such denial must be stated on the intake form, denial letter, or on the EN005 application.